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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,624	09/27/2001	Balakrishna Raghavendra Iyer	SVL920010077US1/2307P	4803
29141	7590	07/16/2004	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			AMSBURY, WAYNE P	
			ART UNIT	PAPER NUMBER
			2171	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/966,624	<b>Applicant(s)</b> IYER ET AL.	
	<b>Examiner</b> Wayne Amsbury	<b>Art Unit</b> 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

CLAIMS 1-43 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**2. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (Bowman), US 6,289,382, 11 September 2001, in light of Drosset et al (Drosset), US 6,662,231, 09 December 2003.**

Bowman addresses the use of schedules and prices in a number of ways, and the costs of developing, maintaining, and using services are discussed repeatedly. The components of technology services set forth at COL 19 lines 65-66 include a delivery schedule. The delivery of media is scheduled [COL 42 lines 24-34; COL 112 lines 51-57]. Prices are components of business applications [COL 100 lines 54-57]. Architecture reduces cost of service delivery [COL 20 lines 50-51]. See also COL 26 lines 12-19; COL 30 lines 38-44; COL 38 lines 7-21; COL 55 line 65 to COL 56 line 5; COL 113 lines 47-56; COL 123 lines 46-58; and elsewhere. The clear teaching is that services cost money in many ways and that cost is a basic component of the business of providing services.

However, Bowman does not explicitly state that database services are provided at an agreed-upon price and schedule, but clearly client and provider must agree implicitly or explicitly on price and schedule in order to create a business exchange.

One application of this principle is set forth at COL 113 lines 47-56, where delivery costs may affect the transmission of reports.

Bowman includes audio among his web-based services [FIG 15].

Drosset is directed to subscriber-based audio services stored in a database over the Internet [FIG 1; COL 2 lines 37-67]. The service provided is by subscription that may be paid. [COL 13 lines 53-62]. At another level, users may be commercial suppliers such as advertisers who schedule music operations [COL 2 lines 53-59], rather than end-users.

Drosset is explicit about the use of a browser at FIG 15 and COL 10 lines 15-20 and HTML [COL 6 lines 60-67 and elsewhere]. The clients devices of the preferred embodiments of Drosset are in general use and do not require downloading of database software [COL 3 lines 22-58 and elsewhere]. Drosset points out that a paid subscription involves an agreed-upon schedule and price [COL 13 lines 63-62].

Bowman does not explicitly state that the services provided are subscription services, but Drosset teaches the use of subscription services to deliver music to users in a way that protects the rights of the owners of the music.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to deliver services with an agreed-upon price and schedule in order to promote mutual satisfaction in a business transaction, including protection of the rights of the owners of the music.

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Bowman is quite extensive, the claims are considered to be broad, and as a result, many aspects of the claims are taught repeatedly in Bowman. Thus the specific citations used to address claim limitations are to be taken as exemplary, not exhaustive.

As to **claims 23-24**, the general format of presentation layer, application layer, and DB layer was standard and common in the art at the time of the invention, and taught extensively by Bowman. [See COL 21 line 58 and after.]

In particular, the BACKGROUND places Bowman in an Internet environment, and discusses Applications accessed by means of Web browsers through a GUI (the UI of the claims) with a HTTP protocol, using HTML. [See also FIG 30.] Bowman is explicit about the goal of providing database services [TITLE; FIELD; SUMMARY]. The layering (tiers) of services including DB services is explicitly discussed at length [COL 33 line 7 and after]. The motivation for layering is addressed at COL 21 line 65 and nearby.

As to **claim 25**, Bowman explicitly addresses backup and recovery as well known standard procedures [COL 19 line 37,67; COL 74 lines 42-44].

As to **claim 26**, Bowman addresses a variety of commands at a number of levels. In particular, the BACKGROUND discusses the standard protocol in which commands from a web UI are further processed to retrieve data from a server, which acts as a database. Any database by its nature retrieves data (records) such as a document by use of internal commands, and thus has the function of combining the directive command with the retrieval commands. By the nature of the Web, the result is provided in the form of HTML code to the web server.

**Claim 27** differs from the combination of 23-26 in very minor ways, if at all.

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As to **claim 28**, the aspects of Internet service technologies that place software in a variety of levels and thus do not require downloading in some sense are taught by at least in terms of Netcentric applications launched from a Browser [COL 36 lines 42-51] and architecture functions that perform services such as at database calls [COL 100, lines 52-54].

The elements of **claims 1-8** are rejected in the analysis above and these claims are rejected on that basis.

As to **claims 9-22**, Bowman teaches the use of authentication, including passwords, at a number of places [COL 52, Security 1410, lines 16-60; COL 64 lines 3-7]. These citations note that well known prior art system include security.

Bowman does not provide the handshake details of the claims. It is considered that these are so well known in the art that inclusion of them into the Specification of Bowman is not required for enablement and would inflate the text unnecessarily.

Using **claims 9-12** as an example, these claims correspond to restricted access to a database using SQL statements from a window system. Microsoft Windows is a preferred embodiment [COL 10 lines 18-44]. The use of SQL is explicitly noted in conjunction with at least Oracle databases and Microsoft DB2, COL 49 lines 13-47.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to implement authenticated access to database services using SQL from Windows with standard handshaking steps as claimed because it is inefficient and costly to devise a customized system. There is nothing unique in the process steps and support as claimed.

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The elements of **claims 13-22 and 29-43** are rejected in the analysis above and these claims are rejected on that basis.

3. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER